

Serial No. 10/734,626
Amdt. dated December 21, 2006
Reply to Office Action of September 26, 2006

Docket No. P-0615

REMARKS

By the present response, Applicant has canceled claims 5, 13 and 26 without disclaimer. Further, Applicant has amended claims 1, 12 and 22 to further clarify the invention. Claims 1-4, 6-12, 14-25 and 27-31 are pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1, 12-14 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,473,624 (Corbett et al.) in view of U.S. Patent No. 6,493,564 (Longoni et al.). Claims 2-11, 15-21 and 23-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Corbett et al. in view of Longoni et al. and further in view of U.S. Patent No. 6,760,596 (Fiorini et al.).

35 U.S.C. §103 Rejections

Claims 1, 12-14 and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Corbett et al. in view of Longoni et al. Claim 13 has been canceled. Applicant respectfully traverses these rejections as to the remaining pending claims.

Corbett et al. discloses that to combat base station power drift, the power transmission module of each base station and a diversity handover may be compared to the power reference established for all base stations in the diversity handover. The difference between the transmit power of each base station and the reference power threshold may then be used to correct the

transmit power level of that base station. Rather than setting an arbitrary and static reference power level, the reference power level is set dynamically so that it is relevant to the current conditions of the diversity handover communication.

Longoni et al. discloses performing power control in a mobile communication network that includes at least one base station and a network element connected to the base station, where a reliability information is transmitted from the at least one base station to the network element, the reliability information defining a quality of a radio transmission between the at least one base station and a mobile terminal. Based on the transmitted reliability information, the network element determines a variation of a target set point for power control and transmits a power control command defining the variation of the target set point to the at least one base station. Thereby, a bearer specific controlling procedure can be performed and the signaling of the procedure can be done via the user plane.

Regarding claims 1, 12 and 22, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, *inter alia*, determining reliability of a plurality of radio links according to a quality of each radio link, the quality of each radio link being determined based on a signal to interference ratio (E_b/N_o), or setting a combined transmit power control command value based on the determined reliability of each of the plurality of radio links. The Examiner asserts that Corbett et al. discloses determining reliability of a plurality of radio links

according to a quality of each radio link, at Figs. 1, 12 and 14, col. 3, lines 36-64 and col. 5, lines 24-61. However, these portions merely disclose a diagram including a radio network controller, details regarding the power control method of Corbett et al. where each base station calculates a difference between the reference power level and its current transmit power level and where a determination is made regarding which of the first and second base stations is a dominant base station for the diversity handover communication, and details regarding the block diagrams of Figures 1 and 2. This is not determining reliability of a plurality of radio links according to a quality of each radio link, as recited in the claims of the present application. Corbett et al. is merely directed to correcting a transmit power level of a base station based on a difference between transmit power of each base station and the reference power threshold. Corbett et al. does not disclose or suggest reliability of a plurality of radio links, or determining reliability according to a quality of each radio link. Further, Corbett et al. does not disclose or suggest determining the reliability of a plurality of radio links according to a quality of each radio link, the quality of each radio link being determined based on a signal to interference ratio, as recited in the claims of the present application.

The Examiner admits that Corbett et al. does not disclose or suggest setting a combined transmit power control command value based on the determined reliability of each of the plurality of radio links, but asserts that Longoni et al. discloses these limitations at column 2, lines 1-64, column 3, lines 25-53, column 4, lines 22-44 and column 5, lines 49-67. However,

Longoni et al. merely relates to, as noted previously, reliability information being transmitted from a base station to a network element and the network element determining a variation of a target set point for power control and transmitting a power control command defining the variation of the target set point to the base station. This is not setting a combined transmit power control command value based on the determined reliability of each of the plurality of radio links, as recited in the claims of the present application. Longoni et al. does not disclose or suggest a combined transmit power control command value or the value being based on the determined reliability of each of the plurality of radio links.

Regarding claim and 14, Applicant submits that these claims are dependent on independent claim 12 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1, 12-14 and 22 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 2-11, 15-21 and 23-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Corbett et al. in view of Longoni et al. and Fiorini et al. Applicant has cancelled claims 5, 13 and 26 therefore rendering these rejections moot. Applicant respectfully traverses these rejections as to the remaining pending claims.

Serial No. **10/734,626**

Docket No. **P-0615**

Amdt. dated December 21, 2006

Reply to Office Action of September 26, 2006

Regarding claims 2-4, 11, 15-21 and 23-31, Applicant submits that these claims are dependent on one of independent claims 1, 12 and 22, and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicant submits that Fiorini et al. does not overcome the substantial defects noted previously regarding Corbett et al. and Longoni et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 2-4, 6-11, 15-21 and 23-31 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Serial No. **10/734,626**

Docket No. **P-0615**

Amdt. dated December 21, 2006

Reply to Office Action of September 26, 2006

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that claims 1-4, 6-12, 14-25 and 27-31 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



John C. Eisenhart
Registration No. 38,128
Frederick D. Bailey
Registration No. 42,282

P.O. Box 221200

Chantilly, Virginia 20153-1200

(703) 766-3701 JCE/FDB:tlg/ilg

Date: December 21, 2006

\\Fk4\Documents\2000\2000-719\106289.doc

Please direct all correspondence to Customer Number 34610